

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**STEVE WATKINS**

**Plaintiff,**

**VS.**

**WESTCHESTER FIRE INSURANCE  
COMPANY**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. \_\_\_\_\_**

*Removed From*

**CAUSE NO. 2016-38858**

**STEVE WATKINS**

**Plaintiff,**

**VS.**

**WESTCHESTER FIRE INSURANCE  
COMPANY**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**IN THE DISTRICT COURT**

**HARRIS COUNTY, TEXAS**

**281<sup>ST</sup> DISTRICT COURT**

---

**WESTCHESTER FIRE INSURANCE COMPANY'S NOTICE OF REMOVAL**

---

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Please take notice that WESTCHESTER FIRE INSURANCE COMPANY, defendant in the above-captioned action, hereby files its Notice of Removal of this civil action to the United States District Court for the Southern District of Texas, Houston Division, from the 281<sup>st</sup> Judicial District Court of Harris County, Texas, as provided by 28 U.S.C. §§ 1332, 1441 and 1446. The grounds for removal are more particularly stated as follows:

### **I. PROCEDURAL HISTORY**

1. On June 7, 2016, Steve Watkins filed his Original Petition in Harris County, Texas.<sup>1</sup> In his Original Petition, Plaintiff named Westchester Fire Insurance Company as Defendants.<sup>2</sup>

2. Defendant Westchester was served with Plaintiff's Original Petition on June 13, 2016.

### **II. TIMING**

3. This Notice of Removal is filed within thirty (30) days of receipt of the first service of the Original Petition on Westchester, and is therefore timely filed under 28 U.S.C. §1446(b).

### **III. DIVERSITY**

4. Plaintiff's Original Petition establishes that the United States District Court for the Southern District of Texas, Houston Division, has jurisdiction by reason of the diversity of citizenship of the parties.

5. Plaintiff is a Texas resident. According to his Original Petition, he resides in Harris County, Texas.<sup>3</sup> For purposes of removal, it must therefore be presumed that Plaintiff is now, and was at the time this action was commenced, a citizen of Texas.

6. Defendant Westchester is a foreign corporation.<sup>4</sup> Westchester is a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania.

7. Consequently complete diversity exists between Plaintiff and Defendant.

---

<sup>1</sup> Pl.'s Orig. Pet.

<sup>2</sup> *Id.* at § II.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

#### **IV. AMOUNT IN CONTROVERSY**

8. Plaintiff's Original Petition indicates that Plaintiff seeks monetary relief in excess of \$1,000,000.<sup>5</sup> Plaintiff seeks actual damages, pre-judgment interest, attorney's fees, treble damages, exemplary damages and costs of court.<sup>6</sup>

9. Accordingly, it is "facially apparent" that Plaintiff's claims exceed \$75,000.00, which is all that is required to satisfy the amount-in-controversy requirement.<sup>7</sup>

10. Therefore, it is clear that the amount in controversy exceeds the minimal jurisdictional requirements of the Court as set forth in 28 U.S.C. §1332(a).

#### **V. ORIGINAL JURISDICTION**

11. Because there exists diversity of jurisdiction between the Plaintiff and Westchester, and the amount in controversy exceeds the minimal jurisdictional requirements, this Court has original jurisdiction of this case, pursuant to 28 U.S.C. §1332. This case may be removed to this Court pursuant to 28 U.S.C. §1441.

#### **VI. NOTICE TO STATE COURT**

12. Westchester has given notice of this removal to the 281<sup>st</sup> Judicial District Court of Harris County, Texas.

#### **VII. ATTACHMENTS**

13. All pleadings, process, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a).

#### **VIII. CONSENT OF ALL PARTIES**

14. Westchester is the only Defendant and consents to removal. As the only Defendant no other consent is required.

---

<sup>5</sup> Pl.'s Orig. Pet. at ¶1.

<sup>6</sup> *Id.*

<sup>7</sup> *See Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995).

**IX. CONCLUSION**

15. For the foregoing reasons, Westchester Fire Insurance Company requests that this Court place this case on the docket of the United States District Court of the Southern District of Texas, Houston Division. Westchester Fire Insurance Company further requests a full and fair opportunity to brief, respond, and argue against any Motion for Remand filed by Plaintiff.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER, LLP.

/s/ Jeffrey L. Hoffman  
Jeffrey L. Hoffman  
Texas State Bar No. 09781770  
[Jeff.hoffman@wilsonelser.com](mailto:Jeff.hoffman@wilsonelser.com)  
909 Fannin, Suite 3300  
Houston, Texas 77010-1011  
(713) 353-2000  
(713) 785-7780 – Fax

**ATTORNEYS FOR WESTCHESTER  
FIRE INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument was served on all counsel in accordance with the Federal Rules of Civil Procedure via certified mail, return receipt requested and/or via facsimile on the 6<sup>th</sup> day of July, 2016:

Melissa Moore  
Curt Hesse  
MOORE & ASSOCIATES  
Lyric Centre  
440 Louisiana, Suite 675  
Houston, Texas 77002  
*Via Facsimile: (713) 222-6739*

/s/ Jeffrey L. Hoffman  
Jeffrey L. Hoffman